

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1979 be amended to read as follows:

- 1 Page 5, after line 9 , begin a new subparagraph and insert:
- 2 "Sec. 6. (a) Within seven (7) days of receiving a petition for
- 3 approval or denial of a merchant power plant, the commission
- 4 shall notify via certified mail the county, municipal, or area zoning
- 5 or planing officials of the county in or municipality in which a
- 6 merchant power plant is proposed.
- 7 (b) On forms developed by the commission, county, municipal,
- 8 or area zoning or planning officials may petition the commission
- 9 within thirty (30) days for zoning jurisdiction over the siting of a
- 10 merchant power plant. The county, municipal, or area zoning or
- 11 planning officials must address the following issues in petitioning
- 12 the commission:
- 13 (1) local current and future land use plans;
- 14 (2) local environmental impacts;
- 15 (3) local water usage impacts;
- 16 (4) impacts on local land owners;
- 17 (5) other issues considered relevant to local officials.
- 18 (c) After notice and hearing, the commission shall issue a
- 19 decision either granting or denying the petitioners' request for
- 20 zoning jurisdiction not later than seven (7) days after completion
- 21 of the hearing.
- 22 (d) If the commission grants the petition, county, municipal,
- 23 or area zoning or planning officials may deny or approve the
- 24 construction of the merchant power plant.
- 25 (e) If county, municipal, or area zoning or planning officials
- 26 deny the construction of the merchant power plant, the petitioner
- 27 may not construct the merchant power plant.

1 (f) If the county, municipal, or area zoning or planning
2 officials approve the construction of the merchant power plant, the
3 commission shall make the final determination to approve or deny
4 the construction and operation of the plant in accordance with this
5 chapter.

6 (g) If the commission has not granted zoning authority under
7 this section, the commission must determine whether the
8 construction or operation of a merchant power plant is in the best
9 interest of local citizens. In making this determination, the
10 commission shall consider written or oral testimony or evidence
11 submitted by local parties to the commission."

12 Renumber all SECTIONS consecutively.

(Reference is to HB 1979 as printed February 28, 2001.)

Representative YOUNT